



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

RECEIVED  
AUG 22 2001  
TECH CENTER 1600 2900

In re Application of: )  
    **Gilmore** )  
 ) Group Art Unit: 1645  
Serial No.: 09/004,395 )  
 ) Examiner: N. Minnifield  
Filed: December 23, 1996 )  
 ) Docket No. 97,429  
For: **RECOMBINANT P37/FLAA AS A DIAGNOSTIC REAGENT**

COMMUNICATION

Honorable Assistant Commissioner for Patents  
Washington, D.C. 20231


Sir:

This paper is filed in response to the Communication Regarding Appeal mailed on July 13, 2001 in the above-mentioned case. It is believed that no fee is due in connection with this filing; however, if a fee is due please charge our deposit account number 13-2490.

The Communication from the Office indicated that the Appeal Brief filed on June 22, 2001 was dismissed and the application abandoned. The undersigned talked by telephone with Examiner Minnifield on August 8, 2001. Examiner Minnifield indicated that the Communication from the Office was in error and that the Appeal was not dismissed. Examiner Minnifield stated that the application was pending and that the Appeal Brief was entered. As such, it is believed that the Applicants are not required to take any further steps at this time.

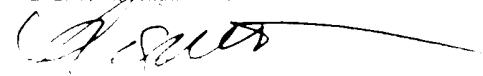
Respectfully submitted,

Date: August 13, 2001

By:   
Lisa M.W. Hillman, Ph.D.  
Reg. No. 43,673

**MCDONNELL, BOEHNEN,  
HULBERT & BERGHOFF**  
300 South Wacker Drive  
Chicago, IL 60606

I hereby certify that this correspondence is being deposited with the United States Postal Service and I declare that it is in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231, on August 13, 2001.





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(MBHB Case No. 97,429)

PATENT

TECH CENTER 1600 2900

AUG 22 2001

RECEIVED

In re Application of:

Gilmore

Serial No.: 09/004,395

Filed: December 23, 1996

For: **Recombinant P37/FLAA as a  
Diagnostic Reagent**

Examiner: N. Minnifield

Art Unit: 1645

TRANSMITTAL LETTER

Asst. Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:

- a) Communication
- b) Return postcard

2. With respect to fees:

- a) No fee is due.

3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 on August 13, 2001.

Respectfully submitted,

  
Lisa M. W. Hillman